REMARKS

The Office Action mailed August 10, 2006 considered claims 1-30. Claims 1-8, 10-12, 14, 16, and 21-30 were rejected under 35 U.S.C. 102(e) as being anticipated by Madsen et al. (US 2003/0204374) hereinafter *Madsen*. Claim 9 was rejected under 35 U.S.C. 103(a) as being unpatentable over *Madsen* in view of Wygodny et al. (US 7,058,928) hereinafter *Wygodny*. Claim 18 was rejected under 35 U.S.C. 103(a) as being unpatentable over *Madsen* as applied in claim 1, in view of You et al. (US 5,787,245) hereinafter *You*. Claims 15, 19 and 20 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Madsen* as applied in claim 16 in view of Nagel (US 6,071,317) hereinafter *Nagel*.

Claim 17 and 18 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.[1]

By this paper, claims 1, 5-8, 16, 21, and 23-25 have been amended.[2] Claims 1-30 remain pending, of which claims 1, 16, and 21 are the independent claims at issue.

As recited in the claims, the invention is generally directed to detecting termination and providing information related to termination of a computer system process. The method of claim 1, for example, defines loading a termination function into system memory. The termination function has termination instructions that, when executed, cause a calling process to terminate without providing information related to a termination event that caused the calling process to terminate. Next, claim 1 defines altering the code of the termination function to redirect the functionality of the termination function to a memory resident invalid instruction such that a termination event causes the invalid instruction to be executed. Execution of the invalid instruction causes an exception that provides termination information related to the termination event. Next, claim 1 defines a memory resident process detecting a termination event. Next, claim 1 defines the memory resident process calling the termination function. Lastly, claim 1 defines executing the invalid instruction to provide termination information related to the detected termination event, in response to the termination function being called.

---

[1] Although the prior art status of the cited art is not being challenged at this time, Applicant reserves the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

[2] Support for the amendments to the claims are found throughout the specification, Figures, and previously presented claims, including, paragraphs [0039] and [0041] – [0048] and Figure 1.

Claim 26 is a method claim similar to claim 1 including functional language. Claim 21 is a computer program product corresponding to claim 1.

Each of the pending claims was rejected using *Madsen* as the primary reference. *Madsen* describes a dynamic software code instrumentation method and system. *Madsen* utilizes misalignment exceptions to cause execution to branch to an exception vector table. (para. [0036]). Once at the vector table, the processor executes an exception routine that was inserted by an instrumentation module (para. [0036]). *Madsen* enables a user to instrument entry and exit of functions. (para. [0040]). Using misalignment instructions a routine can branch to an execution routine multiple times to detect the entry into and exit from a function. (para. [0044].)
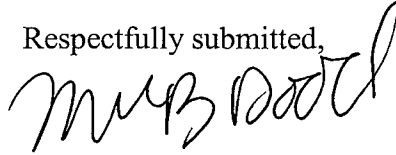
However, cited art of record fails to anticipate or make obvious the claimed invention. For example, among other things, the cited art fails to teach or suggest either singly or in combination altering the code of the termination function to redirect the functionality of the termination function to a memory resident invalid instruction such that a termination event causes the invalid instruction to be executed, execution of the invalid instruction causing an exception that provides termination information related to the termination event, as recited in claim 1. For at least this reason, applicants respectfully submit that claim 1 patentably defines over the prior art of record. For at least the same reason, applicants also submit that claims 16 and 21 patentably define over the prior art of record.

In view of the foregoing, Applicants respectfully submit that the other rejections to the claims are now moot and do not, therefore, need to be addressed individually at this time. It will be appreciated, however, that this should not be construed as Applicants acquiescing to any of the purported teachings or assertions made in the last action regarding the cited art or the pending application, including any official notice. Instead, Applicants reserve the right to challenge any of the purported teachings or assertions made in the last action at any appropriate time in the future, should the need arise. Furthermore, to the extent that the Examiner has relied on any Official Notice, explicitly or implicitly, Applicants specifically request that the Examiner provide references supporting the teachings officially noticed, as well as the required motivation or suggestion to combine the relied upon notice with the other art of record.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 9th day of November, 2006.

Respectfully submitted,

RICK D. NYDEGGER
Registration No. 28,651
MICHAEL B. DODD
Registration No. 46,437
Attorneys for Applicant
Customer No. 47973

MBD:crb
CRB0000002065V001